

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

CHARLES LEE THORNTON,  
Plaintiff,

vs.

No. 4:07-CV-79 CDP

THE CITY OF KIRKWOOD,  
Defendant.

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PRESENT: The Honorable Catherine D. Perry, Presiding  
ATTORNEY FOR PLAINTIFF: Plaintiff appears pro se  
ATTORNEY FOR DEFENDANT: John M. Hessel

Motion for Temporary Restraining Order  
January 18, 2007

TERI HANOLD HOPWOOD  
Registered Merit Reporter  
Thomas F. Eagleton Courthouse  
111 South Tenth Street  
St. Louis, Missouri 63102

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1           THE COURT: We're here in the case of Charles Lee  
2 Thornton versus City of Kirkwood. This is case number  
3 4:07-CV-79. Mr. Thornton is here representing himself, and  
4 the City of Kirkwood is not represented. This case was just  
5 filed not long ago, and Mr. Thornton is seeking a Temporary  
6 Restraining Order without notice, and a preliminary and  
7 permanent injunction. So Mr. Thornton, tell me what it is you  
8 want this Court to do and why you think you're entitled to it.

9           MR. THORNTON: Yes, Your Honor, I would like for  
10 this Court to allow me to speak at the City Council meetings.  
11 There is protocol of a three-minute time limit to speak, and  
12 it's an open mike, and you can say and address any issue that  
13 you would like during this three-minute time session.

14           They have denied me this right to speak in the three  
15 minutes by stopping me from speaking after three seconds of  
16 speaking, and once after five seconds of speaking, not  
17 allowing me to get into the detail or any part of my speech  
18 which only lasts at the most three minutes.

19           I was handcuffed and physically, forcefully removed  
20 from the City Council meetings, and in the paperwork that I  
21 did not bring, but they had an article in a public -- in their  
22 private meeting to try to have me banned from speaking at the  
23 City Council meetings, but they said that would be a little  
24 too harsh to ban me, ban me from coming to the meetings all  
25 together, but they said that would be a little too harsh, so

1     tonight, even if I say "jack ass" because I've been here now,  
2     but they meet twice a month, Your Honor, so that does not  
3     guarantee until another time is done that they are going to,  
4     you know, stop arresting me for just saying words because they  
5     don't allow me the time to even speak to even explain the  
6     words. I just believe that the Constitution is supposed to  
7     uphold my right to speak, and yes, no, I've never cursed them  
8     out. They might not like what I have to say. Well, that's  
9     understandable. I don't like what they have to say sometimes,  
10    but I still want to have my opportunity to speak and be heard  
11    based on the United States Constitution.

12           THE COURT: All right. Well, in order to receive a  
13    Temporary Restraining Order from me, you would have to show  
14    that you're likely to succeed on the merits of your case, that  
15    you are threatened with immediate and irreparable harm, that  
16    the harm to you outweighs any harm to the other side, and that  
17    the public interest favors entering the injunction.

18           I conclude based on everything you've provided, and  
19    although this was not sworn testimony, I'm considering it as  
20    if it were evidence, that you have not shown either that  
21    you're likely to succeed on the merits or that you are  
22    threatened with irreparable harm, and I'm going to deny the  
23    request for a Temporary Restraining Order.

24           I don't know -- I don't see any threat that you will  
25    not be allowed to speak tonight, and I don't believe that

1 REPORTER'S CERTIFICATE

2 I, TERI HANOLD HOPWOOD, RMR, Official Court Reporter  
3 for the United States District Court for the Eastern District  
4 of Missouri do hereby certify that the foregoing is a true and  
5 correct transcript of the proceedings had in this cause as  
6 same appears from my stenotype notes made personally during  
7 the progress of said proceedings.

8

9 /S/ Teri Hanold Hopwood, RMR

10 TERI HANOLD HOPWOOD, RMR

11 Official Court Reporter

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